

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

FLUOR ENTERPRISES, INC.)	
)	
Plaintiff,)	
)	Civil Action 3:17-cv-622-MHL
v.)	
)	
mitsubishi hitachi power)	
systems americas, inc.,)	
)	
Defendant.)	
)	
_____)	

**mitsubishi hitachi power systems americas, inc.’s UNOPPOSED
MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendant, Mitsubishi Hitachi Power Systems Americas, Inc. (“MHPS”), pursuant to Local Rule 7 and Federal Rule of Civil Procedure 6(b), hereby requests an extension of time to respond to the Complaint in this matter and in support thereof states as follows:

1. On or about September 13, 2017, Plaintiff, Fluor Enterprises, Inc. (“Fluor”) initiated the instant action against MHPS seeking the recovery of liquidated damages against MHPS for alleged delays arising out of a 1300 megawatt combined cycle, natural gas-fired power station in Brunswick County, Virginia (the “Project”). Doc. 1

2. Per the Complaint, Mitsubishi entered into a Turbine Supply Agreement (“TSA”) with Virginia Electric and Power Company (“Owner”) whereby Mitsubishi agreed to supply and Owner agreed to purchase three (3) M501GAC combustion turbine generators and one (1) TC4F-33 steam turbine generator and related ancillary equipment and services, including certain “Major Components” and “Minor Components”. Doc. 1, ¶ 7.

3. Fluor entered into an Engineering, Procurement, and Construction Agreement with the Owner for Fluor to be the EPC Contractor for a Contract Price of \$638,890,018. Doc. 1, ¶ 14; Doc. 1-2, p. 19

4. Fluor also took an assignment of certain of the Owner's rights under the TSA. Doc. 1, ¶ 17.

5. Fluor alleges it is entitled to liquidated damage from MHPS for the alleged late delivery of certain Minor Components. Doc. 1, ¶

6. MHPS was served with the Complaint on September 15, 2017, thereby making MHPS' response due October 6, 2017.

7. MHPS seeks an extension of time of 10 days, *i.e.*, until October 16, 2017 to respond to the Complaint.

8. Good cause for a brief extension exists given the size of the Project and the complexity of the issues in the Lawsuit, and a brief extension will give MHPS sufficient time to prepare an appropriate response.

9. The undersigned has contacted counsel for Plaintiff and is authorized to represent that Plaintiff consents to the extension requested in this Motion. Please see email exchange between Brian Cashmere, Esq. and Stephen Shapiro, Esq., dated September 25, 2017 attached hereto as Exhibit "A".

WHEREFORE, Defendant, Mitsubishi Hitachi Power Systems America, Inc., respectfully requests an extension of time of ten (10) days, *i.e.*, until October 16, 2017, to respond to the Complaint. A proposed order is attached hereto as Exhibit "B".

Dated: September 26, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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